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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

8 JEREMIAH JAMES PETLIG,

9 Plaintiff,

10 v.

11 SCOTT CARTER-ELDRED, et al.,

12 Defendants,

CASE NO. C18-0721-MJP-MAT

ORDER RE: PENDING MOTION FOR
SUMMARY JUDGMENT

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14 Defendant Officer C. Harraway filed a Motion for Summary Judgment. (Dkt. 32.)
15 However, the motion relies on an outdated standard for addressing a pretrial detainee's claim of
16 deliberate indifference in medical treatment. (*See* Dkt. 32 at 5-6); *Gordon v. County of Orange*,
17 888 F.3d 1118, 1122-25 (9th Cir. 2018) (courts now evaluate a pretrial detainee's Fourteenth
18 Amendment claim alleging a violation of the right to adequate medical care under an objective
19 deliberate indifference standard, not the subjective deliberate indifference standard applied to
20 claims brought by a convicted prisoner under the Eighth Amendment). The Court, therefore,
21 finds and orders as follows:

22 (1) The Court herein STRIKES the noting date for defendant's pending motion for
23 summary judgment (Dkt. 32). Defendant shall, on or before **April 19, 2019**, submit a revised

1 motion for summary judgment applying the proper standard to plaintiff's claim of deliberate
2 indifference, as well as addressing the impact, if any, in relation to defendant's assertion of
3 qualified immunity. The noting of the motion, timeframe for filing a response and reply, and all
4 other filing criteria shall be in accordance with the information previously set forth in the Court's
5 Pretrial Scheduling Order. (See Dkt. 26 at 2-3.)

6 The Court will consider the revised motion in place of the previously filed motion for
7 summary judgment. The Court will not, however, disregard plaintiff's submissions in opposition
8 to defendant's motion. Further, given the significant number of those submissions (*see* Dkts. 38-
9 39, 43-44, 46, 48-50, 53), **the Court herein directs plaintiff to submit no more than a single**
10 **brief, accompanied by a revised declaration and/or exhibits only as may be needed, in**
11 **opposition to the revised motion.**

12 (2) The Clerk is directed to send to a copy of this Order to the parties and to
13 Honorable Marsha J. Pechman.

14 DATED this 29th day of March, 2019.

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17 Mary Alice Theiler
18 United States Magistrate Judge
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